

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GREATER LAKES AMBULATORY SURGICAL
CENTER, PLLC, and GREAT LAKES
ANESTHESIA, PLLC,

Plaintiffs,

v.

Case No. 11-11003

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant.

ORDER TERMINATING DEFENDANT'S MOTION TO DISMISS AS MOOT

Pending before the court is Defendant State Farm Mutual Automobile Insurance company's motion to dismiss for failure to prosecute. Plaintiffs Greater Lakes Ambulatory Surgical Center, PLLC, and Greater Lakes Anesthesia, PLLC, brought the above-captioned matter in Macomb County Circuit Court, and Defendant removed to this court on March 14, 2011. Thereafter, Plaintiffs amended their complaint on March 31, 2011. Following a scheduling conference held on May 10, 2011, Plaintiffs again amended their complaint by stipulation of the parties on May 25, 2011. The second amended complaint added Plaintiff Michigan Institute of Pain and Headache, P.C. On May 27, 2011, the court issued a scheduling order setting a discovery deadline of September 30, 2011. Defendant filed an answer to the second amended complaint on June 8, 2011. The instant motion to dismiss for want of prosecution was filed by Defendant on July 22, 2011, alleging Plaintiffs have egregiously failed to respond to communications and cooperate in scheduling depositions.

A similar motion was filed in a related case before the Honorable David M. Lawson, which was denied. *Great Lakes Anesthesia, PLLC v. State Farm Mut. Auto. Ins. Co.*, Case No. 11-10658 (E.D. Mich. July 27, 2011). During a telephone conference held on August 16, 2011, counsel for all parties indicated their agreement to use the depositions and other discovery in that case for the instant matter. As such, the parties have already resolved their discovery disputes and scheduled depositions. Accordingly,

IT IS ORDERED that Defendant's motion to dismiss [Dkt. # 17] is TERMINATED AS MOOT.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: August 19, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 19, 2011, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522